

In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R. No. 151 of 2007 (O&M)
Decided on January 15,2007.

Gurbax Singh

---- Petitioner

vs.

Sub Divisional Engineer

--- Respondent.

Present: Mr. Bikamjit Arora, Advocate, for the petitioner

Pritam Pal, J: (Oral)

This Civil Revision filed by the petitioner, is directed against order dated December 07,2006, passed by the learned Deputy Commissioner, Tarn Taran, whereby his application for producing the original documents was declined. In fact, trial Court of S.D.M cum Collector, had ordered eviction of the petitioner vide order dated January 25,2005. Thereafter, on May 19,2005, it has been stated by the petitioner that the respondent-Sub Divisional Engineer initiated the proceedings for change of mutation with regard to land for making out a Bye Pass due to wrong alignment.

In these given facts and circumstances, it appears that request of the petitioner before learned Deputy Commissioner was genuine and as such, the same should have been allowed before hearing the appeal on merits. Accordingly, this Civil Revision is allowed. Consequently, the impugned order is set aside and a direction is issued that learned Deputy Commissioner, shall first direct the respondent to place on record the necessary original documents pertaining to change of alignment of land as per Annexure P-6, and thereafter, he shall decide the matter in issue on merits, in accordance with law, after hearing learned counsel for the parties.

January 15,2007
RR

(Pritam Pal)
Judge

